

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Review Petition - Karimnagar District - Review Petition filed by Sri Ravula Ranga Reddy S/o R.Anantha Ram Reddy and (5) others, R/o. Devakkapally (V), Bejjanki (M), Karimnagar District U/s 166 C of AP(TA) Land Revenue Act 1317 F against the orders of Joint Collector, Karimnagar in Proceedings No.E3/6593/2002, dt:01-05-2010 – Allowed – Orders - Issued.

REVENUE (ASSIGNMENT.VI) DEPARTMENT

G.O Ms No. 241

Dated: 27-05-2014
Read the following:

1. From Joint Collector, Karimnagar in Proceedings No. E3/6593 /2002, dt:01-05-2010
2. Review Petition filed by Sri Ravula Ranga Reddy S/o. Anantha Ram Reddy and (5) others R/o Devakka Pally (V), Bejjanki (M), Karimnagar District, dt:06.09.2013.
3. Govt. Memo No.36731/Assn.VI(2)/2013, dt:28.09.13 and 05.10.13.
4. From the Collector, Karimnagar District Lr.E3/6593/02, dt:03.11.13.
5. From the Special CS & CCLA, AP, Hyderabad Lr.No.BCW3/490 /2013, Dt: 18-12-2013.
6. Govt. Memo No.36731/Assn.VI(2)/2013-5, dt:30.01.2014.
7. From the Executive Engineer, I & CAD, Irrigation Dept. Lr No.EE/IDK/DB/D4/65/Coll., Dt: 10.02.2014.
8. From the Collector, Karimnagar, Lr. No.E3/6593/2002, dt: 01-03-2014.
9. Representation of Sri Ravula Ranga Reddy, R/o. Karimnagar District, dated: 06-03-2014.

ORDER:

In the reference 1st read above, the Joint Collector, Karimnagar has passed order by upholding the orders of the then Joint Collector, Karimnagar vide Proceedings No.B4/9795/93, dt:19-04-1995 and cancelled the irregular assignment made in Sy.No.164 of Thotapally village of Bejjanki Mandal and directed the Tahsildar, Bejjanki Mandal to resume the land immediately and protect from encroachments.

2. Aggrieved with the above orders, Sri Ravula Ranga Reddy and (5) others, R/o. Devakkapally (V), Bejjanki (M), Karimnagar District have filed a Review Petition in the ref. 2nd read above before the Govt. U/s 166-C (2), A.P. (TA) LR Act 1937 F on the following grounds:

- 1) The Govt. land Poramboke to an extent of (5) acres in Survey No. 164 situated in Thotapally village, Bejjanki Mandal, Karimnagar District was assigned to Sri Ravula Anantha Ram Reddy S/o.Narsaiah, who was father of the deceased soldier of Late Sepoy R. Manohar Reddy in terms of G.O Ms No. 547, dated 16.04.1965 by the MRO, Bejjanki vide final patta Certificate bearing No. NB/1576/85, dated 08.01.1987 with the prior sanction of the Dist. Collector, Karimnagar. After death of original assignee, name of beneficiary changed to Smt. Ravula Madhuramma, who is wife of Anantha Ram Reddy. The petitioners 1 to 7 were aware of the same village and most of them are from the same community but no appeal or Revision was filed in between 1987 till date on that assignment and no one was affected by the same and no authority cancelled the said assignment in past 26 years.
- 2) The respondents No. 3 to 8 have submitted applications to the District Collector, Karimnagar through the Tahsildar, Bejjanki and RDO,

(P.T.O.)

Karimnagar for assignment of Govt. land from Survey No. 164 situated Thotapally (V), Bejjanki (M), Karimnagar District, during the year 1992/1993. The District Collector, Karimnagar has pleased to sanction P.O.B deletion proposal vide proceedings No. B4/2454/93 dated 04-05-1993 for assignment of Govt. land PP to an extent of Acs. 13-10 gts to Respondent No. 3 to 8 and the then MRO has issued final patta certificates. The assignees names are brought on revenue records in Faisala Patti for the year 1992-93 and entries in Pahani for the year 1994-95, 1995-96 and 1996-97 and all the assignees are eking out their livelihood from the date of assignment till date without any interruption.

- 3) The petitioners surprisingly has filed an appeal before the RDO, Karimnagar on 02.09.1993 stating that they are the ayacutdars of Uppalakunta and their lands situated in Devakkapally village falls within the command area of Uppalakunta. As per Sethwar, Sy. No. 164 situated in Thotapally is a Shikam Land. Because of assignment , cultivation of their patta lands effected as water will not be available for irrigation purpose even after knowing 1st assignment made on 08-01-1987 in the same Sy. No. 164 an extent of (5) acres.
- 4) The RDO, Karimnagar has not considered the appeal filed by the petitioners for the reasons stated that, the classification of land "Govt. Poramboke land" vide proceedings No. B1/4473/86 dated 20-12-1986. The report of the MRO, Bejjanki dated 14.03.1986 in which he described that it is the "Shikam Land" is quite wrong and erroneous and his report was set aside. There was no appeal against the DRO proceedings dated 20-12-1986 in past 26 years.
- 5) The petitioners have filed Revision Petition No. B4/9795/93, dated 07-12-1993 U/s 166B of AP (TA) LR Act 1317F before the Joint Collector, Karimnagar against the R.D.O, Karimnagar. The Joint Collector, Karimnagar without issuing notices to the assignees has cancelled the assignment of land made in favour of (6) persons an extent of Ac. 13.10 acres vide proceedings dated 19.04.1995 believing it is a Shikam land.
- 6) Aggrieved by the cancellation of land without notice, they have filed appeal before the Commissioner of Appeals U/s against the orders of the Joint Collector, Karimnagar. On disposal of the said appeal on 17-03-1999, they have filed Writ Petition No. 12078/1999 before the Hon'ble High Court. The Court set aside the proceedings dated 19-04-1995 of the Joint Collector, Karimnagar on 08.08.2008 and remanded the matter to the Joint Collector, Karimnagar with a direction to issue notice, hear the parties, consider the material papers and pass a reasoned order afresh.
- 7) The Joint Collector, Karimnagar instead of passing an order afresh as per Hon'ble High Court Order in WP No. 12078/99, without notices to the assignees and passed personal instructions to the RDO, Karimnagar to make a report against the assignment. Accordingly The RDO, Karimnagar has undertaken a secret enquiry on 25-3-2010. Basing on the RDO report, the Joint Collector passed an order dated 01-05-2010 for canceling the assignment and directed the Tahsildar, Bejjanki to resume the assigned land. Thus the Joint Collector, Karimnagar has ignored entire evidence let into by the respondents vide Ex R/1 to R/36 which is a violation of doctrine of principle of natural justice.
- 8) The respondents have immediately challenged the Joint Collector proceedings dated 01-05-2010 before the Hon'ble High Court in WP No. 13454/2010 and WP No. 25555/2010 and the Court passed orders on 16-6-2010, suspending the Joint Collector proceedings dated 01-05-2010 initially for 3 weeks and finally until further orders on 21-9-2010.

- 9) The respondents have been suffering due to continuation of litigation, they have also filed a review petition before the Joint Collector, Karimnagar and it was advised to withdraw Writ Petitions pending before the Hon'ble High Court for review of the Joint Collector proceedings dated 01-05-2010. Accordingly, the Writ Petitions Nos. 13454/2010 and 25555/2010 withdrawn on 13-08-2013.
- 10) The classification of land as per old classer register in the office of the Survey & Land Records, Karimnagar is "Inam land given to one named Chand Kareem, extent 18.21 Acres", it was established in RDO, Karimnagar enquiry report vide letter dated 20.3.1998. Unfortunately, Collectorate, Karimnagar has not transmitted that report with documents to CLR when the case was pending before the Commissioner of Appeals.
- 11) According to entry made in Pahani 1340 fasli, the land in Sy. No. 164 is a Khariz Khata" land even as per the self admission by the Joint Collector, Karimnagar in his counter affidavit dated 13.11.2010 filed in WP No. 13454/2010. Kharij khata lands are assignable in terms of G.O Ms No. 1406 dt. 25-07-1958.
- 12) There is no Uppalakunta in Sy. No. 164 situated at Thotapally village of Bejjanki Mandal. Uppalakunta is situated in Devakkapally is situated at Devakkapally village of Bejjanki Mandal. Village naksha of both the villages shows clear picture. No farmer is dependent on the Uppalkunta and the petitioner No.2 to 6 are not having a single cent land under the ayacut of Uppalakunta. As such they don't have any locus standi to agitate against the assignment.
- 13) The Karanam (Patwari) of Thotapally village was making wrong entries in Pahani, Khasra Pahani 1954-55 and also in POB register. A complaint to this effect was lodged by the village people, the patwari was directed to refrain from making such wrong entries as Shikam Porampoke. But it should be written as Poramboke. According to classification of lands given in G.O Ms No. 1406, dated 25-7-1958, there is no classification such as Shikam Poramboke. It should be either Shikam or Poramboke.

3. While submitting the documentary evidence, the Review Petitioners have requested to call for the records relating to Proceedings of the Joint Collector, Karimnagar in the ref. 1st read above and set aside the same in the interest of justice and consequently direct the 1st and 2nd respondents not to disposes the assignees from the respective portion of assigned land in Sy.No.164 situated at Thotapally (V), Bejjanki (M), Karimnagar District pending disposal of the Review Petition.

4. Accordingly, Stay orders were issued in the reference 3rd read above and the District Collector, Karimnagar was requested to furnish the remarks along with the connected records to Government.

5. In the reference 4th read above, the District Collector, Karimnagar while furnishing the original records has submitted the following remarks:

- 1) An extent of 5-00 acres of Government land was assigned out of Sy. No. 164 situated at Thotapalli (V), Bejenki (M) to Ravula Anantha Ram Reddy, under the ex-serviceman category. Further assignment was also made to the six persons to an extent of Ac.13-10 gts. by the MRO, Bejjanki in the year 1993.
- 2) Subsequent to the assignment of Government land, out of Ac.18-21 guntas in Sy. No. 164, the ayacutdars of Uppalakunta existing in Devakkapalli (V) preferred an appeal before the RDO, Karimnagar and

complaining of the irregular assignment of the shikam land of Uppalakunta, as the ayacut is being affected.

- 3) After hearing the case, the RDO, Karimnagar has without going into details of the record, issued proceedings order dated 05-11-1993 considering the classification of Sy. No. 164 as "poramboke".
- 4) The petitioners have filed a revision petition against rejection of their appeal petition by the R.D.O vide Memo. No. K/6442/93 dt: 05.11.1993. The Joint Collector, Karimnagar after due verification of the records, passed orders vide Proc. No. B4/9795/93, dt:19.4.1995, cancelling the assignment, considering the land assigned as Shikam.
- 5) Against the orders of the Joint Collector, dt: 19.4.1995, the respondents have filed appeal before the Commissioner Appeals U/s 158 and the same was rejected on 17.3.1999. Further, the respondents have filed writ petition on the orders of the Commissioner Appeals, in the Hon'ble High Court of A.P. in W.P. No. 12078/99 and the Hon'ble High Court remanded the case to the Jt. Collector, Karimnagar with a direction to issue notice, hear the parties, consider the material papers and pass orders afresh.
- 6) After hearing the arguments by the then Joint Collector, Karimnagar has obtained spot inspection report of the RDO, Karimnagar and taking into consideration of all material facts and documents furnished by the respondents and also report of the Asst. Director, S&LRs, Karimnagar vide L.No.L1/200/94, dt: 4.5.1994 wherein it was reported that, as per the Bondobasth records and wasool-baqui, the Sy.No. 164 are recorded as Uppalakunta Shikam, has passed order vide Proc. No.E3/6593/2002 dt: 1.5.2010.
- 7) The contention of the respondents that, the Joint Collector, Karimnagar did not verify the genuineness of the alleged copy of the sethwar is not correct. The Joint Collector, Karimnagar tried to get the copy of sethwar from the Survey & Land records and it was reported in torn condition and could not be made available.
- 8) The "Shikam" lands are prohibited from assignment as per G.O Ms No. 1724 dated 26-08-1958 and Govt. Memo No. 2136.41/84, dated 11.07.1985. The Shikam lands are prohibited from giving on eksala or assignment for agriculture purpose as per instructions of the Government vide Memo No. 2136/41/84, dt: 11.7.1985. The land in Sy. No 164 is recorded as Shikam porampoke in the Khasra pahani of the year 1954-55, which is authenticated document and has to be relied upon.
- 9) The irrigation source Uppalakunta though existing in Devakkapally. But the Sy. No. 164 of Thotapally village is covered under Shikam, as the source is located at the village boundary of Devakkapally, adjoining to Thotapally village boundary. It was also observed that, in the pahani for the year 1340 Fasli, against karhadar column, it is records as Uppalakunta.
- 10) The Hon'ble High Court has already dismissed the Writ Petition No. 13454/2010 on 13.08.2013, as withdrawn. Further the respondent No. (3) Sri Ravula Ranga Reddy S/o Anantha Ram Reddy already has been assigned an extent of Ac. 2.00 of land in Sy. No. 588 of Guggilla (V) of Bejjanki Mandal. Further it is submitted that the respondents are also having the lands as patta on their names, as reported by the Tahsildar, Bejjanki vide Proceedings No.B/737 /2009 dt:18.10.2013.
- 11) As per recommendation of KRRC, the Govt. have issued orders vide G.O.Ms. No. 563, Rev. (Land Reforms) Dept., dt: 31.3.2008 in which, it

has been ordered the assignment to a single individual shall be limited to (1) Acre of wet land or (2) acres of dry land, subject to the provision that while computing the area lands owned by the assignee shall be taken into account so that the lands assigned to him/ her together with what is already owned by him does not exceed the total extent of 1 acre of wet land or 2 acres of dry land.

12) The Joint Collector, Karimnagar has passed an order on 1.5.2010 after giving notices to the concerned parties and taking into consideration of all the related aspects and documents.

6. In view of the above facts, the Collector, Karimnagar has requested to dismiss the review petition filed by Sri Ravula Ranga Reddy and (5) others, as it deserves no consideration.

7. The case was heard on 12-02-2014. The Deputy Tahsildar, Bejjanki Mandal who was attended the hearing on behalf of the respondents, has submitted that as per Revenue records, Pahani (Adangal) accounts, the assigned land situated in survey No 164 of Thotapally village to an extent of Ac.18.21 gts. is classified as "Shikam Poramboke".

8. During the hearing, the petitioner has argued that, there is no ayacut under Uppalakunta Tank and total Shikam land of Uppalakunta in Sy. No.30 situated in Devakkapally village is Ac.1.34 gts only. On the other hand, the Sy. No.164 of Thotapally village has wrongly classified as Shikham Poramboke in Pahani including surrounding farmers patta lands in survey No 162, 163, 165 and 166. Further, the karanam of Thotapally village of Bejjanki Mandal was making wrong entries in Pahani, Khasra Pahani 1954-55 and also in POB Register. Further the District Revenue Officer vide ref.B1/4473/86 dated 20.12.1986 has clarified that the Sy.No.164 of Thotapally is the Shikam land is quite wrong and erroneous and it is Govt. Poramboke land.

9. After gone through the arguments made by the petitioner and the Dy. Tahsildar, Bejjanki Mandal, it is noticed that, the Sy. No.164 of Thotapally classified as "Shikam Poramboke" entry in the revenue records may be wrong and erroneous. After hearing, the Govt. have obtained Full Tank Level report of Uppalakunta of Devakkapally village, Bejjanki Mandal of Karimnagar District from the E.E., I & CAD, Karimnagar Division through the District Collector, Karimnagar vide his letter 8th read above.

10. The FTL report obtained from the E.E, I & CADD, Karimnagar Division received through the Collector, Karimnagar is as detailed below:

- a) The Uppalakunta submergence area is 5.60 acres or 2.30 hectares.
- b) the weir is located from ch 15:23 to ch 17.00 and sluice located at ch 1.60
- c) On enquiry, it is found that the farmers are dependent on Uppalakunta for irrigation purpose.
- d) The Command area of the Uppalakunta tank is 16.20 acres as per irrigation records.
- e) Regarding the issue of excavation of black soil 2007-08 and 2008-09 for strengthening of the bund, the work is not done by Irrigation dept.
- f) No permission for removal of black soil from Survey No.164 situated in Thotapally (V) Bejjanki (M) is given by E.E., I & CAD, Karimnagar.

11. As seen from the above report of the E.E., I & CAD, Karimnagar Division, it is observed that, the Uppalakunta submergence area is Ac.5.60 or 2.30 hectares. On enquiry, it is found that the farmers are dependent on

Uppalakunta for Irrigation purpose. As per FTL report, an extent of Ac.5.60 gts. covered under submergence in Uppalakunta of Devakkapally village, Bejjanki Mandal which includes Ac.4.00 acres land of Sy. No.164 of Thotapally village of Bejjanki Mandal.

12. In the ref. 9th read above, the petitioners contended that, they have no objection for resumption of land in which the submergence area of Uppalakunta in Sy. No.164 of Thotapally village covered under LA Act by the Irrigation Department after following due process of law.

13. In view of the reasons above, the Review Petition filed by Sri Ravula Ranga Reddy and (5) others, R/o Devakkapally (V), Bejjanki (M), Karimnagar (Dist.) is hereby allowed, duly setting aside the Proceedings of the Joint Collector, Karimnagar issued in the ref. 1st read above.

14. The Collector, Karimnagar is requested to resume the land i.e submergence area of Uppalakunta in Sy. No.164 of Thotapally Village, Bejjanki Mandal, Karimnagar District as per FTL report of the E.E, Irrigation Division, Karimnagar District in the ref. 7th read above.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**B.R. MEENA
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri Ravula Ranga Reddy S/o. Anantharam Reddy
Sri Boinapally Prabhakar Rao S/o. Kondal Rao
Sri Peesara Rama Rao S/o. Hanumanthu
Sri Kondam Malla Reddy, S/o Rajaiah
Smt. Radhamma W/o. Hanumandlu
Smt. Dasari Anjamma W/o Mallaiah

The Collector, Karimnagar District
The Joint Collector, Karimnagar District
The R.D.O., Karimnagar, Karimnagar Dist.,
The Tahsildar, Bejjanki Mandal, Karimnagar District

Copy to:

The Special CS & CCLA, AP, Hyderabad.
The E.E., I & CAD, Karimnagar Division, Karimnagar
SF/SC

Residents of Devakkapally (V), Bejjanki (M), Karimnagar District

// Forwarded :: By Order //

SECTION OFFICER